

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

IN THE MATTER OF:	)	SETTLEMENT AGREEMENT
	)	FOR FUNDING
	)	REMEDIAL DESIGN
Portland Harbor Superfund Site	)	
Portland, Multnomah County, Oregon	)	AMENDMENT NO. 1
	)	
State of Oregon, Department of Transportation,	)	U.S. EPA Region 10
State of Oregon, Department of State Lands,	)	CERCLA Docket No. 10-2019-0094
And City of Portland	)	
	)	Proceeding Under Section
	)	122(h)(1) of CERCLA,
	)	42 U.S.C. §§ 9622(h)(1)
SETTLING FUNDING PARTIES	)	

AMENDMENT NO. 1

WHEREAS, the City of Portland (City), State of Oregon by and through its Department of Transportation and Department of State Lands (State) and U.S. Environmental Protection Agency (EPA) have agreed to include the underlined language below to the "Covenants by Performing Parties to Settling Funding Parties" found in Appendix D of the Settlement Agreement for Funding Remedial Design, CERCLA Docket No. 10-2019-0094 (Settlement Agreement). The terms "Performing Parties," "Settling Funding Parties" and "Funded RD ASAOC" are defined in the Settlement Agreement.

**"Covenants by Performing Parties to Settling Funding Parties.**

Subject to EPA's receipt of the funds from Settling Funding Parties as required by the Settlement Agreement for Funding Remedial Design, Performing Parties covenant not to sue and agree not to assert any claims or causes of action in any forum, judicial or otherwise, against the Settling Funding Parties, or their contractors or employees, with respect to the work under this Settlement Agreement [the Funded RD ASAOC] or the RD Payments provided under the Settlement Agreement for Funding Remedial Design. For purposes of this paragraph "work" shall mean all activities and obligations Performing Parties are required to perform under this Settlement Agreement [the Funded RD



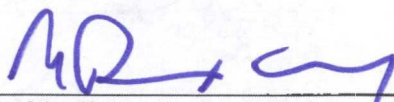
ASAOC], except those required by Section [ ] (Record Retention). Performing Parties agree that Settling Funding Parties have the right to enforce this covenant.”

This additional language makes explicit the City, State and EPA’s mutual understanding of operation of this covenant. The language is being added to provide this explicit confirmation to the Performing Parties. This Amendment memorializes the City, State and EPA’s agreement to include the covenant as written above in Funded RD ASAOCs. Otherwise the terms and language of the Settlement Agreement remain unchanged.

IT IS SO AGREED:

U.S. ENVIRONMENTAL PROTECTION AGENCY:

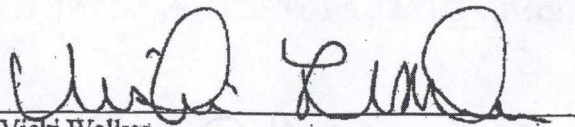
11/2/15  
Dated

  
\_\_\_\_\_  
David Allnutt, Acting Director  
Region 10, Superfund and Emergency Management  
Division

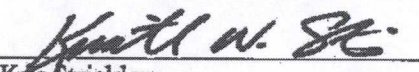


FOR THE STATE OF OREGON:

10/17/19  
Dated

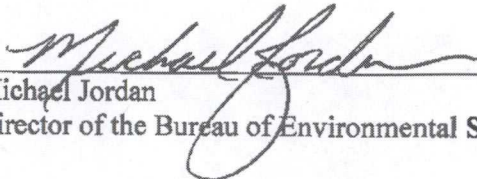
  
Vicki Walker  
Director  
Oregon Department of State Lands

10-22-2019  
Dated

  
Kris Strickler  
Deputy Director  
Oregon Department of Transportation

**FOR THE CITY OF PORTLAND, OREGON**

10/24/19  
Dated

  
\_\_\_\_\_  
Michael Jordan  
Director of the Bureau of Environmental Services